

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

RAUL RAMIREZ COBIAN, et al.

Plaintiffs

v.

APICAL INDUSTRIES, INC.

Defendant

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Civil No. 04-1038(SEC)

ORDER

On September 8, 2005 the parties informed the Court that they had reached a settlement agreement which would dispose of the instant action. See Dockets ## 91 & 92. The parties requested that the Court schedule a settlement conference in order to discuss the preliminary settlement agreement since the same would be a structured settlement and one of the parties, Co-plaintiff Ramírez-Cobán, is legally incapacitated, warranting the Court's intervention and approval of the agreement prior to its execution. The Court then held a settlement conference on October 27, 2005 (Docket # 95).

At said conference the Court heard the parties' propositions for settlement and ordered the parties to make certain filings in order for the Court to be able to review and approve the agreement. However, after reviewing the proposed settlement amounts, the Court held another settlement conference on December 15, 2005 (Docket # 107). This time, the Court proposed some changes to the structured settlement agreement, to wit, a reduction of the attorneys' fees and an increase to Co-plaintiff Ramírez-Cobán's up front compensation and monthly annuities. The Court then ordered the parties to submit the revised settlement papers for the Court's final review and approval. These were due "before the end of the year." See Docket # 107 at p. 2.

Year 2005 came to a close and the parties remained silent as to the settlement of this case. Therefore, on January 11, 2006, perplexed by the parties' inaction, especially that of Plaintiffs' counsel, the Court ordered the parties to file the revised settlement papers by

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January 23, 2006 or inform the Court of the reason for their delay (Docket # 109). The parties were forewarned that failure to comply would result in the imposition of sanctions. Defendants complied. However, Plaintiffs chose to, once again, disregard the Court-imposed deadline. Then, Plaintiffs' counsel, after the expiration of the deadline, called the undersigned's law clerk to inform the Court that he had been sick and would comply with the Court's orders forthwith. To date, a week after the expiration of the deadline, Plaintiffs' counsel has yet to comply with the Court's order. Moreover, today, Co-plaintiff Nelson Ramírez-Seda called the undersigned's chambers to inquire about the status of the case and settlement efforts. He informed the Court that he has been unable to communicate with his attorney and that he has not been informed of any developments since the first settlement conference on October 2005. As such, the Court learned that Plaintiffs' counsel has not only failed to comply with the Court's orders, but has also failed to inform his clients about the status of the case or the revisions made to the proposed settlement agreement.

The Court is concerned that Plaintiffs' counsel appears to have lost interest in the settlement of this case and that Plaintiffs may be prejudiced by their counsel's inaction. As such, Plaintiffs' counsel **is hereby sanctioned in the amount of \$250.00 for his failure to comply with the Court's orders.** The money shall be deposited with the Clerk of the Court by no later than **February 3, 2006.** Furthermore, Plaintiffs' counsel is hereby **ORDERED** to file the revised settlement papers by **February 3, 2006. Failure to comply with this order will result in the imposition of further fines, that is, \$250.00 for every day that the revised settlement papers are not filed for the Court's approval.**

SO ORDERED.

In San Juan, Puerto Rico, this 30th day of January, 2006.

S/ Salvador E. Casellas
SALVADOR E. CASELLAS
U.S. Senior District Judge